

REMARKS

The application and the material cited to date have been carefully reviewed along with Examiner's remarks in the Office Action. After this review, Applicant is convinced that his invention as claimed is patentable. Applicant strongly believes that his claims as amended define the invention in a clear and definite manner, and that all of the claims are allowable over all the cited references.

Claims 1, 2, 9-33 are pending in the case. The amended claims 1, 2, 9-14, 16, 19-21, 25, 27-31 are amended. The amended claims are supported by the specification and claims as filed and do not involve new matter. The underlined amendment appearing on the mark up copy on page 2 and 3 are supported by the specification and claims as filed. The underlined amendment appearing on the mark up copy on page 13 and 14 are supported by the specification priority disclosure of USSN 08/984,459 (now US patent 6,324,703 B1, see col. 26, lines 52 through col 27, lines 1-20, col. 28, line 65-67, col. 29, lines 1-40, col. 31, lines 39-53 attached) incorporated by reference.

The rejection of claims 1, 9, 18-33 under 35 USC §112 as stated on page 2 at paragraph 2, 3, & 4 of the Official Letter regarding the use of parenthetical "()" should be withdrawn in view of Applicant's amendment deleting parenthetical language. The rejection of claim 9 should be withdrawn in view of Applicant's disclosure at page 21, lines 20-21 regarding the definition and examples of major and minor amounts. The rejection of claims 18-33 now amended claims 10-12, 14, and 16 containing trademarks should be withdrawn since these claims recite a source only in conformance with MPEP Section 608.01(v) and 21783.05(u). Thousands of examples of claims containing trademarks are found on the USPTO Patent data base. Representative of such claims are:

(1) United States Patent 6,297,312 to Wang issued October 2, 2001 for One-pack waterborne adhesion coatings for thermoplastic olefins In U.S. Class: 524/507, Primary Examiner: Michl; Paul R., claims: 3. The improved adhesion coating of claim 1, wherein said water insoluble glycol ethers are selected from the group consisting of DPNB, DPM, PNB and NMP.
7. The improved adhesion coating of claim 1, wherein the modified anionic polyurethane dispersion blend is selected from the group CK Witco series UCX99 (research code) and UCX00 (research code) modified anionic polyurethane dispersion blends, and CK Witco Witcobond.TM. W-240.
8. The improved adhesion coating of claim 1, wherein Surfynol.TM. DF-75 and Surfynol.TM. 104DPM are added for foam control. 14. The improved adhesion coating of claim 12, wherein the modified anionic polyurethane dispersion blend is selected from the group CK Witco series UCX99 (research code) and UCX00 (research code) modified anionic polyurethane dispersion blends, and CK Witco Witcobond.TM. W-240.

(2) United States Patent RE34,880 to Salyer issued March 21, 1995 for Phase change compositions in U.S. Class: 106/660, Primary Examiner: Green; Anthony, claims: 9. The composite of claim 8 wherein said wetting agent is stearic acid or stearyl alcohol. .[.10. The composite of claim 1 wherein said alkyl hydrocarbon is selected from the group consisting of Shellwax 100, Shellwax 120, Shellwax 200, Shellwax 300, Boron R-152, Union SR-143, Witco 128, Witco LLN, Witco 45A, Witco K-61, Witco K-51, Witco 85010-1, Aristowax 143 and Paraffin 150..].

(3) United States Patent 6,016,804 to Gleason , et al. Issued January 25, 2000 for Respiratory mask and method of making thereof in U.S. Class:128/206.17, Primary Examiner: Weiss; John G., claim 23. The respiratory mask of claim 15, wherein the facepiece material comprises an elastomer selected from the group consisting of Sanoprene and Kraton.

(4) United States Patent 4,657,152 to Carveth , et al. Issued April 14, 1987 for Thermoplastic foam fitment in U.S. Class: 215/249, Primary Examiner: Norton; Donald F, claim: 16. The fitment of claim 10 wherein the thermoplastic foam is chosen from the group consisting of Kraton, ethylene vinyl acetate, or Santoprene.

(5) United States Patent 5,214,093 to Nell , et al., issued May 25, 1993 for Adhesive formulation for nonsurgical blepharoplasty in U.S. Class: 524/506, Primary Examiner: Michl; Paul R., claims: 2. The mixture of claim 1 wherein the adhesive component is polysiloxane, as typified by Dow Corning DC-355 medical adhesive. 5. The mixture of claim 1 wherein the thermoplastic elastomer component is the Kraton 1102 formulation of styrene-isoprene-styrene. 9. The mixture of claim 8 wherein said tackifier component is the Wingtack 95 formulation. 12. The mixture of claim 1 wherein the adhesive component is Dow Corning DC-355 medical adhesive; the thermoplastic elastomer component is the Kraton 1102 formulation of styrene-isoprene-styrene; the paraffinnic hydrocarbon solvent component is cyclohexane; and wherein the mixture further includes a tackifier component, in the form of Wingtack 95, and a hindered phenolic antioxidant component. 14. The mixture of claim 1 wherein the adhesive component is Dow Corning DC-355; the thermoplastic elastomer is Kraton.

In view of the above, the rejection of claims 8-33 now amended claims 10-12, 14, and 16 containing trademarks should be withdrawn.

The rejection of claims 1, 2, 9, and 10-33 under 35 USC §102 (e) as stated on pages 3 and 4, paragraphs 7, 9, & 9 should be withdrawn because Gralaus '446 is not a proper reference. Since Applicant's disclosure of gels of oil extended triblock copolymers is before Gralaus. Applicant's disclosure of SEBS gels is before Gralaus. Applicant's claims 1, 2, 9, 10-33 can not be anticipated by Gralaus, because, for example: Applicant's related application USSN 288,690, filed August 11, 1994 (now US Patent 5,633,286 see col. 5, lines 10-29 attached) , describes SEBS gels (which predates Gralaus' disclosure by almost two years. Applicant copending USSN 612,586 predates Gralaus'

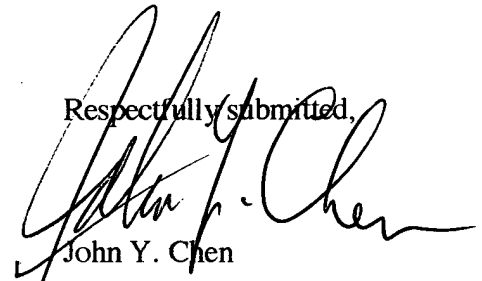
disclosure. Applicant's invention priority date predates Gralaus. Moreover, Applicant's claimed subject matter are not directed to SEBS gels alone and are not the same as MAM containing EB midblocks and MAM containing butadiene midblocks as disclosed and claimed by Gralaus, therefore Gralaus '446 patent is not a proper reference for two reasons (**'446 is later and not for the same subject matter**); therefore, the rejection of the instant claims 1, 2, 9, 10-33 should be withdrawn.

A clean set of the amended claims is attached.

This response is being made within the period for response.

Should Examiner have any questions regarding this response, Applicant can be reached at (650) 827-1388.

Respectfully submitted,



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